



02-25-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #01

Docket No. 23737-030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<i>In re Registration No. 1,379,363 for COLETTE</i> Colette Boutboul, Petitioner, v. Kaseri Champignon Hofmeister KG Limited Partnership, Registrant.	Cancellation No. _____ PETITION FOR CANCELLATION
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Assistant Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, Virginia 22202-3513

Petitioner Colette Boutboul, an individual and French citizen ("Petitioner"), having a place of business at c/o Signum Investments, 9229 Sunset Boulevard, Suite 610, Los Angeles CA 90069 believes that she will be damaged by U.S. Reg. No. 1,379,363, and hereby petitions to cancel such registration on the following grounds:

1. Registrant Kaseri Champignon Hofmeister KG Limited Partnership ("Registrant") obtained a registration for COLETTE for cheese, namely camembert and soft cream cheese in International Class 29. The registration was issued on January 21, 1986 and bears U.S. Registration No. 1,379,363.

2. Petitioner owns U.S. Application Serial No. 76/369,680, filed February 11, 2002 for registration of COLETTE for bakery goods in International Class 30 and U.S.

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Application Serial No. 76/381,072 for COLETTE filed on March 11, 2002 used for quiche, chocolate candy, crepes, brioches, tea, puddings, chocolate fondue, jam, fruit-based spreads, jellies, lemon curd, fruit topping, nut topping, chocolate topping, whipping cream, and yogurt in Class 29.

3. Petitioner's applications have each been refused registration under 15 U.S.C. §1052(d) on the grounds that Petitioner's mark COLETTE is likely to be confused with Registrant's mark COLETTE.

4. On information and belief, Registrant has abandoned its mark by failing to use it, and having no intent to resume use of such mark.

5. Petitioner will be damaged by Registrant's registration because Petitioner's applications to register her mark have been refused based on Registrant's registration, despite the fact that Registrant has abandoned its mark.

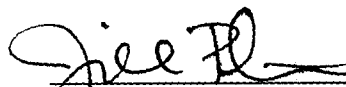
6. A duplicate copy of this Petition and the fee of \$300 is enclosed herewith.

WHEREFORE, Petitioner prays that U.S. Reg. No. 1,379,363 be canceled.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP


Dated: February 21, 2003



Jill M. Pietrini
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Trademarks, Box TTAB, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on this 21st day of February 2003.



Shellie Sager

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February 21, 2003

Client-Matter: 23737-030-004



Assistant Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, Virginia 22202-3513

02-25-2003

U.S. Patent & TMCfc/TM Mail Rcpt Dt #01

Re: Petition for Cancellation of U.S. Reg. No. 1,379,363
Mark: COLETTE
Registrant: Kaseri Champignon Hofmeister KG Limited Partnership
Petitioner: Colette Boutboul

Dear Commissioner:

We enclose herewith a Petition for Cancellation of the above identified trademark registration.

Enclosed is our firm check in the amount of \$300.00, the requisite filing fee. Please charge any additional fees or credit any overpayments to our Deposit Account No. 131 241. A duplicate copy of this letter is enclosed for this purpose. Please direct all communications regarding this matter to the undersigned.

Sincerely,

Jill M. Pietrini

JMP:ss

Enclosures

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